

# CONDITIONAL Pricing Practices

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economic analysis & policy implications  
An FTC - DOJ workshop

## Agenda June 23, 2014

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### 8:30 Welcome & Introduction

WELCOME

**William J. Baer**

Assistant Attorney General  
Antitrust Division  
U.S. Department of Justice

INTRODUCTION

**Maureen K. Ohlhausen**

Commissioner  
Federal Trade Commission

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### 8:45 Overview of the Economics of Conditional Pricing Practices

PRESENTERS

**Michael Waldman**

Charles H. Dyson Professor of  
Management and Professor of  
Economics  
Samuel Curtis Johnson Graduate  
School of Management  
Cornell University

**Michael Whinston**

Professor of Economics  
Sloan Fellows Professor of  
Management  
Department of Economics and Sloan  
School of Management  
Massachusetts Institute of Technology

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9:30

## The Economics of Conditional Pricing Practices

### PRESENTERS

**Timothy J. Brennan**

Professor of Public Policy and  
Economics  
University of Maryland, Baltimore  
County

**Benjamin Klein**

Professor of Economics  
University of California, Los Angeles

**Michael A. Salinger**

Jacqueline J. and Arthur S. Bahr  
Professorship in Management  
School of Management  
Boston University

**Abraham L. Wickelgren**

Bernard J. Ward Centennial Professor  
of Law and Economics  
University of Texas Law School

### DISCUSSANTS

**Randal Heeb**

Partner  
Bates White

**Francine Lafontaine**

William Davidson Professor of  
Business Economics and Public Policy  
Stephen M. Ross School of Business  
University of Michigan

### MODERATORS

**Patrick DeGraba**

Economist  
Bureau of Economics  
Federal Trade Commission

**Patrick Greenlee**

Economist  
Economic Analysis Group  
Antitrust Division  
U.S. Department of Justice

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10:45

## Break

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11:00

## The Economics of Conditional Pricing Practices, Continued

### PRESENTERS

**Kusum Ailawadi**

Charles Jordan 1911 TU'12 Professor  
of Marketing  
Tuck School of Business  
Dartmouth College

**Miguel de la Mano**

Head of Economic Analysis of  
Financial Markets  
European Commission

**Joseph Farrell**

Professor of Economics  
Affiliated Professor  
Haas School of Business  
University of California, Berkeley

**Julie Holland Mortimer**

Associate Professor of Economics  
Boston College  
Faculty Research Fellow  
National Bureau of Economic  
Research

### DISCUSSANTS

**Matthew Bennett**

Vice President  
Charles River Associates  
London

**C. Scott Hemphill**

Professor of Law  
Columbia Law School

MODERATORS

**Michael G. Vita**

Deputy Director for Research and  
Management  
Bureau of Economics  
Federal Trade Commission

**Matthew C. Mandelberg**

Attorney  
Legal Policy Section  
Antitrust Division  
U.S. Department of Justice

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12:15 Lunch

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1:15 **Roundtable Discussion on the Economics of Conditional Pricing Practices**

PARTICIPANTS

**Matthew Bennett**

Vice President  
Charles River Associates  
London

**Benjamin Klein**

Professor of Economics  
University of California, Los Angeles

**Francine Lafontaine**

William Davidson Professor of  
Business Economics and Public Policy  
Stephen M. Ross School of Business  
University of Michigan

**Julie Holland Mortimer**

Associate Professor of Economics  
Boston College  
Faculty Research Fellow  
National Bureau of Economic  
Research

**Michael Waldman**

Charles H. Dyson Professor of  
Management and Professor of  
Economics  
Samuel Curtis Johnson Graduate  
School of Management  
Cornell University

MODERATORS

**Daniel P. O'Brien**

Senior Economic Policy Advisor  
Bureau of Economics  
Federal Trade Commission

**Patrick Greenlee**

Economist  
Economic Analysis Group  
Antitrust Division  
U.S. Department of Justice

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2:00 **Integrating the Economics of Exclusion with Current Legal Policy: Two Paradigms**

PRESENTER

**Steven C. Salop**

Professor of Economics and Law  
Georgetown University Law Center

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2:30

## The Law of Conditional Pricing Practices

### PRESENTERS

**Daniel A. Crane**

Associate Dean for Faculty and  
Research

Frederick Paul Furth, Sr. Professor of Law  
University of Michigan Law School  
Counsel

Paul, Weiss, Rifkind, Wharton &  
Garrison LLP

**Einer R. Elhauge**

Carroll and Milton Petrie Professor of Law  
Harvard Law School

**Randal Heeb**

Partner  
Bates White

**Robert O'Donoghue**

Barrister  
Brick Court Chambers  
London

### DISCUSSANTS

**Richard Brunell**

General Counsel  
American Antitrust Institute

**Willard K. Tom**

Partner  
Morgan, Lewis & Bockius LLP

### MODERATORS

**Michael J. Bloom**

Assistant Director  
Office of Policy and Coordination  
Bureau of Competition  
Federal Trade Commission

**Robert A. Potter**

Chief  
Legal Policy Section  
Antitrust Division  
U.S. Department of Justice

3:30

## Break

3:45

## The Law of Conditional Pricing Practices, Continued

### PRESENTERS

**Leah Brannon**

Partner  
Cleary Gottlieb Steen & Hamilton, LLP

**Jonathan Jacobson**

Partner  
Wilson Sonsini Goodrich & Rosati

**Sean P. Gates**

Partner  
Morrison & Foerster LLP

**Fiona M. Scott Morton**

Professor of Economics  
Yale University School of  
Management

### DISCUSSANTS

**Steven C. Salop**

Professor of Economics and Law  
Georgetown University Law Center

**Abraham L. Wickelgren**

Bernard J. Ward Centennial Professor  
of Law and Economics  
University of Texas Law School

MODERATORS

**Andrea E. Zach**  
Attorney  
Bureau of Competition  
Federal Trade Commission

**Samuel N. Weinstein**  
Attorney  
Legal Policy Section  
Antitrust Division  
U.S. Department of Justice

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4:45

## Where Do We Go From Here: Open Questions and Policy Considerations

PARTICIPANTS

**Jonathan Baker**  
Professor of Law  
American University  
Washington College of Law

**Daniel A. Crane**  
Associate Dean for Faculty and  
Research  
Frederick Paul Furth, Sr. Professor of Law  
University of Michigan Law School  
Counsel  
Paul, Weiss, Rifkind, Wharton &  
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**C. Scott Hemphill**  
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**Fiona M. Scott Morton**  
Professor of Economics  
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**Richard M. Steuer**  
Partner  
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**Michael Whinston**  
Professor of Economics  
Sloan Fellows Professor of  
Management  
Department of Economics and Sloan  
School of Management  
Massachusetts Institute of Technology

MODERATORS

**Deborah L. Feinstein**  
Director  
Bureau of Competition  
Federal Trade Commission

**Renata B. Hesse**  
Deputy Assistant Attorney General for  
Criminal and Civil Operations  
Antitrust Division  
U.S. Department of Justice

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5:45

## Closing Remarks

**Andrew I. Gavil**  
Director  
Office of Policy Planning  
Federal Trade Commission

**Robert A. Potter**  
Chief  
Legal Policy Section  
Antitrust Division  
U.S. Department of Justice

